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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,070	05/03/2001	Kenny K. Fok	UTL00015	7836

32968 7590 04/06/2005

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EXAMINER	
DANIEL JR, WILLIE J	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/848,070	FOK, KENNY K.	
	Examiner	Art Unit	
	Willie J. Daniel, Jr.	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *27-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *27-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's RCE amendment filed on 29 November 2004.

Claims 27-44 are now pending in the present application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 December 2004 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 27, 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding Claim 27, applicant claims the feature "sending an indication from the wireless network to a **short message service (SMS) center** that the wireless communications

device is **requesting** activation of the active message state" (see pg. 8, lines 9-13; pg. 9, lines 3-7; pg. 10, line 21 - pg. 11, line 11; pg. 12, line 15 - pg. 13, line 9; Fig. 3), where the users logs into the proxy server which indicates the state of the device.

Regarding Claim 27, applicant claims the feature "the **SMS center** sending the indication to a proxy server on the data network to establish **presence** information for the wireless communications device" (see pg. 8, lines 9-13; pg. 9, lines 3-7; pg. 10, line 21 - pg. 11, line 11; pg. 12, line 15 - pg. 13, line 9; Fig. 3), where the users logs into the proxy server which indicates the state of the device.

Regarding Claim 27, applicant claims the feature "...the proxy server maintaining the presence information for the wireless communications device until the wireless network sends an indication to the **SMS center** that the wireless communications device is in a non-active message state", where the proxy (206) queries the MSC (214) for the status (e.g., offline) of the device in which MSC returns data.

Regarding Claim 34, applicant claims the feature "sending an indication from the wireless network to the SMS center that the wireless communications device is in the non-active message state", where the proxy (206) queries the MSC (214) for the status (e.g., offline) of the device in which MSC returns data indicating the device status.

The Examiner respectfully request the applicant to provide the page(s) and line(s) of the specification and/or drawing figures in the instant RCE amended application that support the claimed features and review the cited areas to help clarify and resolve the current concerns.

4. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review the all claim(s) that have similar limitations and/or issues as the claims cited above.

Claims 35, 37, 38, 44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding Claim 35, applicant claims "the **SMS center** for **converting** the instant messages in the instant message format to the short messages in the SMS format", (see pg. 8, lines 13-18; pg. 13, line 22 - pg. 14, line 2; pg. 16, lines 4-6), where the proxy server provides the converting of messages from SMS to IM and from IM to SMS.

Regarding Claim 37, applicant claims "wherein the **SMS center converts** at least a portion of the intercepted one instant message to the short message format", (see pg. 8, lines 13-18; pg. 13, line 22 - pg. 14, line 2; pg. 16, lines 4-6), where the proxy server provides the converting of messages from SMS to IM and from IM to SMS.

Regarding Claim 38, applicant claims "wherein the **SMS center** further **converts** an identifier of the sender of the intercepted one instant message to the short message format and sends the converted identifier of the sender in conjunction the converted message", (see pg. 8, lines 13-18; pg. 13, line 22 - pg. 14, line 2; pg. 14, line 15 - pg. 15, line 4; pg 15, line

21 - pg. 16, line 6), where the proxy server provides the converting of messages from SMS to IM and from IM to SMS in which the same user identifier is applied to the message.

Regarding Claim 44, applicant claims "the **SMS center converting** at least a portion of the at least one instant message to an SMS formatted message", (see pg. 8, lines 13-18; pg. 13, line 22 - pg. 14, line 2; pg. 14, line 15 - pg. 15, line 4; pg 15, line 21 - pg. 16, line 6), where the proxy server provides the converting of messages from SMS to IM and from IM to SMS in which the same user identifier is applied to the message.

5. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review the all claim(s) that have similar limitations and/or issues as the claims cited above.

Specification

6. The disclosure is objected to because of the following informalities:
   a. Applicant states "ref. 200" in the instant application amended paragraph for pg. 10, line 11. This change has not been marked as being amended. Examiner interprets as "ref. 300" which refers to Fig. 3.
   b. Regarding Claim 42, applicant states "The system claim 35..." in on line 1 of the claim. Examiner interprets as "The system **of** claim 35...".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 35-42 are rejected under 35 U.S.C. 102(e) as being anticipated by **Carey et al.** (hereinafter Carey) (**US 6,714,793 B1**).

Regarding **Claim 35**, Carey discloses a system (20) for providing a mobile unit device (36) which reads on the claimed "wireless communications device" access to an instant messaging service on a data network (30), the instant messaging service communicating instant messages in an instant message format (see col. 3, lines 18-49; Figs. 1, 5-6), the system (20) comprising:

a wireless mobile carriers (34) which reads on the claimed "wireless network" for sending and receiving short messages in a short message service (SMS) format to and from the wireless communications device (36), the wireless communications device (36) communicating an active message state to the wireless network (30) to indicate that the wireless communications device (36) is present to send and receive the short messages (see col. 6, lines 26-32,52-60; col. 3, lines 45-49; col. 7, lines 19-29; Figs. 1, 5, 9-10, 12);

a short message service (SMS) center (32) connected to the wireless network (34) for receiving the active message state, the SMS center (32) for converting the instant messages in the instant message format to the short messages in the SMS format, and for converting

the short messages in the SMS format to the instant messages in the instant message format, the SMS center (32) for communicating the active message state to a IM routing system (22) which reads on the claimed "proxy server" (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1, 5-6);

the proxy server (22) having a first connection to the SMS center (32) and a second connection to a data network (30), the proxy server (22) for logging into the instant messaging service upon receipt of the active message state, the proxy server (22) providing a proxy presence for the wireless communications device (36) when the wireless communications device (36) is in the active message state (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1, 5-6); and

a plurality of traditional systems (42) which reads on the claimed "information handling systems" connected to the data network (30) and logged into the instant messaging service for sending and receiving the instant messages (see col. 3, lines 18-34; col. 4, lines 6-11; Fig. 1).

Regarding **Claim 36**, Carey discloses the system (20) of claim 35, wherein the proxy server (22) intercepts one instant message that is addressed to the wireless communications device (36), and notifies the wireless network (34) through the SMS center (32) that the one instant message addressed to the wireless communications device (36) has been received (see col. 7, lines 12-22; Figs. 1, 6).

Regarding **Claim 37**, Carey discloses the system (20) of claim 36, wherein the SMS center (32) converts at least a portion of the intercepted one instant message to the short message format, and sends a converted message to the wireless communications device (36)

through the wireless network (34) (see col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1, 6-7).

Regarding **Claim 38**, Carey discloses the system (20) of claim 37, wherein the SMS center (32) further converts an identifier (e.g., name, phone number, address) of the sender (42) of the intercepted one instant message to the short message format and sends the converted identifier of the sender (42) in conjunction the converted message (see col. 5, lines 36-50; col. 8, lines 19-21,32-40; col. 7, lines 12-22; col. 3, lines 24-27,50-66; Figs. 1, 6-7).

Regarding **Claim 39**, Carey discloses the system (20) of claim 36, wherein the proxy server (22) stores the intercepted instant message (see col. 9, lines 35-38; col. 5, lines 66-67; Fig. 1), where the combined functions of the routing system (22) and the instant message server (40) would provide the storing of instant messages.

Regarding **Claim 40**, Carey discloses the system (20) of claim 36, wherein the SMS center (32) stores the intercepted instant message (see col. 7, lines 27-29; Fig. 7 "ref. 172").

Regarding **Claim 41**, Carey discloses the system of claim 35, wherein the SMS center (32) receives a response short message from the wireless communications device (36) that is addressed to an information handling system (42) of the plurality of information handling systems (42), converts the response short message to an instant message format response message, and sends the instant message response message to the information handling system (42) (see col. 5, lines 37-43; col. 6, lines 64-67; col. 7, lines 27-29; Figs. 1, 5-7).

Regarding **Claim 42**, Carey discloses the system (20) claim 35, wherein the SMS center (32) receives an indication that the wireless communications device (36) is in an inactive message state, and wherein the SMS center (32) communicates the inactive message

state to the proxy server (22), and wherein the proxy server (22) removes the proxy presence upon receipt of the indication that the wireless communications device (36) in the inactive message state (see col. 7, lines 44-64; col. 8, line 61 - col. 9, line 5; Figs. 7 "ref. 174", 12).

Claim 43 is rejected under 35 U.S.C. 102(e) as being anticipated by **Mendiola et al.** (hereinafter Mendiola) **(US 2002/0143916 A1)**.

Regarding **Claim 43**, Carey discloses a method for providing a mobile client (102) which reads on the claimed "wireless communications device" access to an instant messaging service connected to a data network (113) (see pg. 3, [0049]; Fig. 1), the method comprising the steps of:

communicating an active message state status from the wireless communications device (102) to a cell site (117) which reads on the claimed "wireless network" (see pg. 3, [0051, 0054-0056, 0063-0064]; pg. 4, [0064, 0077-0078]; Figs. 1, 3);

transmitting the active message state status from the wireless network (117) to a short message service (SMS) center (106) (see pg. 3, [0055-0056]; pg. 4, [0078]; Figs. 1, 3);

the SMS center (106) communicating to a IM server system (13) which reads on the claimed "proxy server" that the wireless communications devices (102) is in the active message state status (see pg. 3, [0054-0055]; Figs. 1, 3); and

the proxy server (13) establishing presence information with the instant messaging service upon receipt of the SMS center (106) communication that the wireless communications device (102) is in the active message state status (see pg. 3, [0054-0055]; pg. 4, [0078]; Figs. 1, 3).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gudjonsson et al**. (hereinafter Gudjonsson) (**US 6,564,261 B1**) in view of **Polychronidis et al**. (hereinafter Polychronidis) (**US 2003/0018704 A1**).

Regarding **Claim 27**, Gudjonsson discloses a method for a wireless communications device to participate in an instant messaging service on a data network (see col. 7, lines 35-42; col. 13, lines 9-19; Figs. 1-9, 21), the method comprising the steps of:

establishing a communication channel (e.g., connection) between the respective clients (11, 14) which reads on the claimed "wireless communications device" and the wireless network to request activation of an active message state (e.g., presence status) for the wireless communications device (11, 14) (see col. 3, lines 14-17; col. 7, line 53 - col. 8, line 30; col. 8, lines 53-65; col. 11, lines 32-64; Figs. 1-9, 19, 21), where the user logons onto the system which establishes a connection and the users status;

disconnecting the communication channel (e.g., connection) between the wireless communications device (11) and the wireless network (see Fig. 21), where the user can log off the system which enables the communication connection;

that the wireless communications device (11,14) is requesting activation of the active message state (see Fig. 21), where the user of the device is logged into the system to receive messages;

a proxy server (21, 23) on the data network to establish presence information for the wireless communications device (11, 14) (see);

transmitting from the proxy server (21, 23) to the instant messaging service the presence information indicating that the wireless communications device (11, 14) is in the active message state, the proxy server (21, 23) maintaining the presence information for the wireless communications device (11) that the wireless communications device (11, 14) is in a non-active message state (see col. 3, lines 14-17; col. 7, line 53 - col. 8, line 30; col. 8, lines 53-65; col. 11, lines 32-64; Figs. 1-9, 19, 21). Gudjonsson fails to disclose having the feature establishing an active communication state between the wireless communications device and a wireless network to indicate that the wireless communications device is present on the wireless network; while maintaining the active communication state; sending an indication from the wireless network to a short message service (SMS) center; the SMS center sending the indication to a proxy server; until the wireless network sends an indication to the SMS center. However, the examiner maintains that the feature establishing an active communication state between the wireless communications device and a wireless network to indicate that the wireless communications device is present on the wireless network; while maintaining the active communication state; sending an indication from the wireless network to a short message service (SMS) center; the SMS center sending the indication to a proxy

server; until the wireless network sends an indication to the SMS center was well known in the art, as taught by Polychronidis.

In the same field of endeavor, Polychronidis discloses the feature

establishing an active communication state between the wireless communications device and a wireless network to indicate that the mobile devices (22) which reads on the claimed "wireless communications device" is present on the wireless network (26, 43) (see pg. 3, [0035, 0037]; pg. 4, [0050]; Figs. 2, 4), where the active communication state is indicate when the device (22) is powered up which registers with the network (26);

while maintaining the active communication state (see pg. 3, [0035]), where the device is powered on which indicates that the device is still active or registered with the network;

sending an indication from the wireless network (26, 43) to a short message service (SMS) center (28, 45) (see pg. 3, [0035, 0037]; pg. 4, [0050]; Figs. 2, 4);

the SMS center (28) sending the indication to a NPL agent (41) which reads on the claimed "proxy server" (see pg. 3, [0035, 0037]; pg. 4, [0050]; Figs. 2, 4);

until the wireless network (26) sends an indication to the SMS center (28) (see pg. 3, [0035, 0037]; pg. 4, [0050]; Figs. 2, 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gudjonsson and Polychronidis to have the feature establishing an active communication state between the wireless communications device and a wireless network to indicate that the wireless communications device is present on the wireless network; while maintaining the active communication state; sending an indication from the wireless network to a short message service (SMS) center; the SMS

center sending the indication to a proxy server; until the wireless network sends an indication to the SMS center, in order to have a network presence and location agent which acquires presence and location information about multiple mobile devices operating on a wireless network from an entity on the wireless network, as taught by Polychronidis (see pg. 1, [0005]).

Regarding **Claim 28**, the combination of Gudjonsson and Polychronidis discloses every limitation claimed, as applied above (see claim 27), in addition Gudjonsson further discloses the method of claim 27, further comprising the steps of:

receiving at the proxy server (21, 23) a short text message (STM) which reads on the claimed "instant message" from a sender (7) on the data network, the instant message (STM) addressed to a user (7) of the wireless communications device (11, 14) (see col. 10, lines 8-21; col. 11, lines 21-27; Figs. 4, 6, 13), where the instant message goes through a proxy server (21, 23) to a cellular communications network;

storing the instant message (STM) on the proxy server (21) (see col. 17, lines 38-44; Figs. 1-6); and

notifying the user through the SMS center and the wireless network that the instant message has been received (see col. 24, lines 16-25; col. 33, lines 38-44; col. 36, lines 56-60; col. 17, lines 41-43), where the user is notified of messages received in the inbox.

Regarding **Claim 29**, the combination of Gudjonsson and Polychronidis discloses every limitation claimed, as applied above (see claim 28), in addition Gudjonsson further discloses the method of claim 28, wherein the step of notifying comprises the steps of:

sending at least a portion of the instant message (STM) to the SMS center (see col. 10, lines 8-21; col. 36, lines 12-25,56-62; col. 3, lines 46-63; col. 17, lines 41-43; Figs. 1-6, 13), where the message is converted, truncated, and transmitted to the user's device in which the message is delivered to the GSM device (11) via an external system such as SMS;

converting the at least a portion of the instant message (STM) from instant message format to short message service format (SMS) (see col. 10, lines 8-21; col. 36, lines 12-25,56-62; col. 3, lines 46-63; col. 17, lines 41-43; Figs. 1-6, 13), where the message is converted, truncated, and transmitted to the user's device; and

sending the converted message from the SMS center to the user (7) through the wireless network (see col. 3, lines 46-63; see col. 10, lines 8-21; col. 36, lines 12-25,56-62; col. 17, lines 41-43; Figs. 1-6, 13), where the message is converted, truncated, and transmitted to the user's device.

Regarding **Claim 30**, the combination of Gudjonsson and Polychronidis discloses every limitation claimed, as applied above (see claim 29), in addition Gudjonsson further discloses the method of claim 29, further comprising the steps of:

converting an identifier (UID) of the sender of the instant message (STM) from the instant message format (STM) to short message service format (see col. 1, lines 56-62; col. 8, lines 47-51; col. 16, lines 7-19; Figs. 8, 12a, 12b, 16, 18b), where the sender/user has an identifier (UID) that is associated with different servers/clusters during the sending of message(s); and

sending the identifier (UID) to the user (7) in conjunction with the converted message (see col. 1, lines 56-62; col. 8, lines 47-51; col. 16, lines 7-19; Figs. 8, 12a, 12b, 16, 18b),

where the sender/user has an identifier (UID) that is associated with different servers/clusters during the sending of message(s).

Regarding **Claim 31**, the combination of Gudjonsson and Polychronidis discloses every limitation claimed, as applied above (see claim 28), in addition Gudjonsson further discloses the method of claim 28, wherein the step of notifying further comprises the step of:

sending the instant message (STM) to the SMS center (see col. 10, lines 8-21; col. 36, lines 12-25,56-62; col. 3, lines 46-63; col. 17, lines 41-43; Figs. 1-6, 13), where the message is converted, truncated, and transmitted to the user's device in which the message is delivered to the GSM device (11) via an external system such as SMS;

converting the instant message (STM) from instant message format to short message service format (see col. 10, lines 8-21; col. 36, lines 12-25,56-62; col. 3, lines 46-63; col. 17, lines 41-43; Figs. 1-6, 13), where the message is converted, truncated, and transmitted to the user's device in which the message is delivered to the GSM device (11) via an external system such as SMS; and

sending the converted message from the SMS center to the user (7) through the wireless network (see col. 10, lines 8-21; col. 36, lines 12-25,56-62; col. 3, lines 46-63; col. 17, lines 41-43; Figs. 1-6, 13), where the message is converted, truncated, and transmitted to the user's device in which the message is delivered to the GSM device (11) via an external system such as SMS.

Regarding **Claim 32**, the combination of Gudjonsson and Polychronidis discloses every limitation claimed, as applied above (see claim 31), in addition Gudjonsson further

discloses the method of claim 31, wherein the step of sending the converted message from the SMS center to the user comprises the steps of:

establishing a second communication channel between the wireless communications device (11, 14) and the wireless network (see col. 3, lines 14-17; col. 7, line 53 - col. 8, line 30; Figs. 1-6);

transmitting the converted message to the wireless communications device (11, 14) over the second communication channel (see col. 9, lines 41-54; col. 10, lines 8-21; col. 36, lines 22-32,56-62; Figs. 1-6), where messages are transferred between devices, and

disconnecting the second communication channel between the wireless communications device (11, 14) and the wireless network (see Fig. 21), where the user can log off the system which enables the communication connection.

Regarding **Claim 33**, the combination of Gudjonsson and Polychronidis discloses every limitation claimed, as applied above (see claim 28), in addition Gudjonsson further discloses the method of claim 28, further comprising the steps of:

sending a response message transmitted in short message service format from the wireless network to the SMS center (see col. 3, lines 46-63; col. 10, lines 8-21; col. 36, lines 12-25,56-62; col. 17, lines 41-43; col. 37, lines 23-33; Figs. 1- 6, 13), where the user responds or sends a message to a another in which the messages are converted to the message to instant message or short text message format;

converting the response message to instant message format (see col. 3, lines 46-63; col. 10, lines 8-21; col. 36, lines 12-25,56-62; Figs. 1, 2, 3, 4, 5, 6, 13), where the user responds

or sends a message to a another user through the proxy which converts the message to instant message or short text message format;

sending the converted response message to the proxy server (21) (see col. 3, lines 46-63; col. 10, lines 8-21; col. 36, lines 12-25,56-62; col. 17, lines 41-43; col. 37, lines 23-33; Figs. 1- 6, 13), where the user responds or sends a message to a another in which the messages are converted to the message to instant message or short text message format; and

transmitting the converted response message over the data network (see col. 9, lines 41-54; col. 10, lines 8-21; col. 36, lines 22-32,56-62; Figs. 1-6).

Regarding **Claim 34**, Gudjonsson discloses the method of claim 27, further comprising the steps of:

transmitting at least one message in shod message service format to the wireless network for delivery to the wireless communications device (11, 14) (see col. 3, lines 46-63; see col. 10, lines 8-21; col. 36, lines 12-25,56-62; Figs. 1-6);

determining that the at least one message in short message service format is undeliverable to the wireless communications device (11, 14) (see col. 17, lines 1-43), where a network problem can have messages undeliverable which causes a notification message sent and messages will be stored;

that the wireless communications device (11,14) is in the non-active message state (see col. 8, lines 47-65; col. 17, lines 5-37; Fig. 21), where the user of the device is status changes such as logging off the system; and

removing the presence information from the proxy server (see col. 8, lines 47-65; col. 17, lines 5-37; Fig. 21). Gudjonsson fails to disclose having the feature sending an indication

from the wireless network to a short message service (SMS) center. However, the examiner maintains that the feature sending an indication from the wireless network to a short message service (SMS) center was well known in the art, as taught by Polychronidis.

Polychronidis further discloses the feature sending an indication from the wireless network (26, 43) to a short message service (SMS) center (28, 45) (see pg. 3, [0035, 0037]; pg. 4, [0050]; Figs. 2, 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gudjonsson and Polychronidis to have the feature sending an indication from the wireless network to a short message service (SMS) center, in order to have a network presence and location agent which acquires presence and location information about multiple mobile devices operating on a wireless network from an entity on the wireless network, as taught by Polychronidis (see pg. 1, [0005]).

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Mendiola et al.** (hereinafter Mendiola) (**US 2002/0143916 A1**) in view of **Carey et al.** (hereinafter Carey) (**US 6,714,793 B1**).

Regarding **Claim 44**, Mendiola discloses the method of claim 43 further comprising the steps of:

the proxy server (13) intercepting at least one instant message intended for the wireless communications device (102) (see pg. 5, [0110]; Fig. 1);

sending the at least one instant message to the SMS center (106) (see pg. 5, [0110]), where the device (102) server sends the message to the SMSC;

the SMS center (106) sending the SMS formatted message to the wireless network (117) (see pg. 4, [0083]; pg. 5, [0113]; Fig. 1); and

the wireless network (117) communicating the SMS formatted message to the wireless communications device (102) (see pg. 3, [0051]; pg. 4, [0083]; pg. 5, [0113]; Fig. 1).

Mendiola fails to disclose having the feature the SMS center converting at least a portion of the at least one instant message to an SMS formatted message. However, the examiner maintains that the feature the SMS center converting at least a portion of the at least one instant message to an SMS formatted message was well known in the art, as taught by Carey.

Carey further discloses the feature the SMS center (32) converting at least a portion of the at least one instant message to an SMS formatted message (see col. 3, lines 18-34; col. 5, lines 23-43; Figs. 1, 5-6), where the protocol provides conversion of messages when transmitted between the SMSC (32) and routing system (22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mendiola and Carey to have the feature the SMS center converting at least a portion of the at least one instant message to an SMS formatted message, in order to have instant message communication in a wireless and non-wireless environment, as taught by Carey (see col. 1, lines 62-63).

Response to Arguments

9. Applicant's arguments with respect to claims 27-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wick (US 6,691,162 B1) discloses "Monitoring Users of a Computer Network".

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marsha O Banks-Harold

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WJD,JR
03 April 2005